

**RESOLUTION NO. 75271**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SUBMIT A GRANT APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION IN THE AMOUNT NOT TO EXCEED \$660,000 FOR CALIFORNIA REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM FUNDING FOR THE LOWER GUADALUPE RIVER TRAIL: TASMAN DRIVE UNDER-CROSSING PROJECT, TO ACCEPT ANY GRANTS IF AWARDED AND NEGOTIATE AND EXECUTE RELATED DOCUMENTS**

**WHEREAS**, City of San José ("City") is submitting an application to the Metropolitan Transportation Commission ("MTC") for \$660,000 in funding from the 2010 Regional Transportation Improvement Program ("RTIP") for the Lower Guadalupe River Trail: Tasman Drive Under-Crossing (herein referred to as "PROJECT") for the MTC 2010 RTIP, as authorized by MTC by Resolution No. 3928 (herein referred to as "PROGRAM"); and

**WHEREAS**, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

**WHEREAS**, as part of that process, MTC is responsible for programming projects eligible for Regional Transportation Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

**WHEREAS**, MTC will review and include, if approved, 2010 RTIP projects in the federal Transportation Improvement Program (TIP); and

**WHEREAS**, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

**WHEREAS**, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

**WHEREAS**, City is an eligible transportation projects sponsor for Regional Improvement Program funds; and

**WHEREAS**, the RTIP Project Programming Request ("PPR") form of the project application lists the project, purpose, schedule and budget for which City is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

**WHEREAS**, Part 2 of the project application includes the certification by City of assurances required by SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

**WHEREAS**, as part of the application for 2010 RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended);

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Council is authorized to adopt this Resolution and does hereby state that:
  - a. The City will provide \$165,000 in non-federal matching funds; and

- b. The City approves the assurances set forth in Part 2 of the project application; and
  - c. The City will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended), that PROJECT will be implemented as described in the complete application and in this Resolution and, if approved, for the amount programmed in the MTC federal TIP, and that City and PROJECT will comply with the requirements as set forth in the 2010 RTIP Policies and Procedures (MTC Resolution No. 3928); and
  - d. The City has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP PPR form of the project application; and
- 2. The City is an eligible sponsor of projects in the State Transportation Improvement Program; and
  - 3. The City Manager, or designee, is further authorized to submit an application for State Transportation Improvement Program funds for PROJECT; and
  - 4. There is no legal impediment to City making applications for Regional Improvement Program funds; and
  - 5. There is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of City to deliver such PROJECT; and
  - 6. The City Manager, or designee, is further authorized to execute and file an application with MTC to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application,

and accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding from MTC to the City for the Project; and

7. That a copy of this Resolution shall be transmitted to MTC in conjunction with the filing of the application referenced herein.

ADOPTED this 9th day of February, 2010, by the following vote:

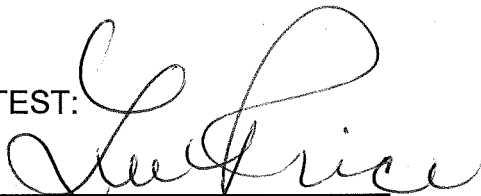
AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC  
City Clerk



CHUCK REED  
Mayor